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# Davis Polk

James L. Kerr

Davis Polk & Wardwell LLP 212 450 4552 tel  
450 Lexington Avenue 212 701 5552 fax  
New York, NY 10017 james.kerr@davispolk.com

April 13, 2015

Re: *Vera v. The Republic of Cuba*, 12 Civ. 1596 (AKH)

Honorable Alvin K. Hellerstein  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Suite 1050  
New York, New York 10007

Dear Judge Hellerstein:

We represent Respondents/Garnishees Bank of America, N.A., Barclays Bank PLC, Citibank, N.A., JPMorgan Chase Bank, N.A., UBS AG, and Wells Fargo Bank, N.A. in the above-captioned action. We write to advise the Court of an order entered today by Judge Castel in *Harrison v. Republic of Sudan*, No. 13 Civ. 3127 (S.D.N.Y.), which stayed a turnover proceeding involving similar legal issues and an identical notice order. A copy of the order is enclosed.

In *Harrison*, Judge Castel had issued orders requiring the parties to take certain actions to complete turnover of the Phase I accounts, as contemplated by the notice order. The garnishee banks requested that Judge Castel reconsider those orders in light of *Hausler* and *Calderon-Cardona* over objections similar to those raised in this case. Today, Judge Castel issued the enclosed order, which concluded as follows:

To ensure that any further proceedings are conducted in accordance with the proper legal standard, the Court stays this action pending the Supreme Court's disposition of these petitions [in *Hausler* and *Calderon-Cardona*] or further order of the Court.

As noted in the reply brief submitted to this Court on behalf of the Garnishee Banks, similar stays have been issued in both *Hausler* and *Calderon-Cardona*.

Very respectfully yours,

James L. Kerr



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RICK HARRISON, et al.,

Plaintiff,

13-cv-3127 (PKC)

-against-

ORDER

REPUBLIC OF SUDAN,

Defendant.

-----X  
RICK HARRISON, et al.

Petitioners,

-against-

AMERICAN EXPRESS TRAVEL RELATED  
SERVICES, CO.; BANCO DO BRASIL, S.A.;  
BANK OF AMERICA; BANK OF BARODA,  
NEW YORK BRANCH; BANK OF CHINA,  
NEW YORK BRANCH; BANK OF NEW YORK  
MELLON; BANK OF TOKYO – MITSUBISHI  
UFJ TRUST COMPANY; BARCLAYS BANK  
PLC; CITIGROUP INC.; COMMERZBANK AG;  
CREDIT AGRICOLE CORPORATE &  
INVESTMENT BANK; CREDIT SUISSE  
SECURITIES (USA) LLC; DEUTSCH BANK AG  
NEW YORK; DEUTSCHE BANK TRUST CO.  
AMERICAS; DOHA BANK; FEDERAL  
RESERVE BANK OF NEW YORK; HABIB  
AMERICAN BANK; HSBC BANK, USA, N.A.;  
INTERAUDI BANK; INTESA SANPAOLO  
S.P.A.; JP MORGAN CHASE & CO.; PNC  
BANK, N.A.; RBS CITIZENS, N.A.; SOCIETE  
GENERALE; STANDARD CHARTERED  
BANK; STATE BANK OF INDIA; SUMITOMO  
MITSUI BANKING CORP.; THE ROYAL BANK  
OF SCOTLAND N.V.; UNITED BANK  
LIMITED; WELLS FARGO BANK, N.A.,

Respondents/Garnishees.

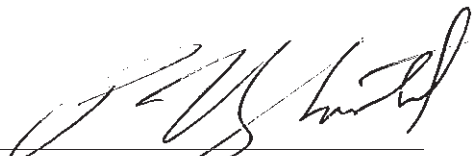
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CASTEL, U.S.D.J.

The Second Circuit in Hausler v. JP Morgan Chase Bank, N.A., 770 F.3d 207 (2d Cir. 2014) and Calderon-Cardona v. Bank of New York Mellon, 770 F.3d 993 (2d Cir. 2014), recently held that an electronic fund transfer (“EFT”) blocked at an intermediary bank is subject to execution under TRIA § 201(a) and FSIA § 1610(g), only if the judgment debtor, or an agency or instrumentality thereof, transmitted the EFT directly to the intermediary bank that blocked it. Petitioners in Hausler and Calderon-Cardona have filed petitions for writs of certiorari. To ensure that any further proceedings are conducted in accordance with the proper legal standard, the Court stays this action pending the Supreme Court’s disposition of these petitions or further order of the Court.

SO ORDERED.

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 13, 2015